

## REMARKS

Claims 1-14 and 16-24 are pending in this patent application. The Examiner allowed claims 17-23. Applicant appreciates the notification of allowance of the claims by the Examiner.

In the Final Office Action, the Examiner rejected claims 1, 5, 7, 11, and 24 under 35 U.S.C. § 102(b) as being anticipated by EP 629,781 to *Hirata et al.* The Examiner also rejected claims 2, 4, and 10 under 35 U.S.C. § 103(a) as being unpatentable over *Hirata et al.* in view of U.S. Patent No. 3,922,855 to *Bridwell et al.*, and claim 3 under 35 U.S.C. § 103(a) as being unpatentable over *Hirata et al.* in view of *Bridwell et al.* and further in view of U.S. Patent No. 6,502,393 to *Stephenson et al.* These rejections are respectfully traversed for the following reasons.

Claim 1 recites a hydraulic system including a pressure control device disposed in a second fluid return line and operable to selectively adjust a magnitude of fluid pressure in the second fluid return line, wherein the pressure control device is configured to receive a signal representing a sensed rate of fluid flow through the second return line and increases the magnitude of the fluid pressure in the second fluid return line in response to a decrease in the sensed rate of fluid flow through the second return line. Claim 11 recites a method including sensing a rate of fluid flow through the second return line and increasing a magnitude of fluid pressure in a second return line in response to a decrease in a rate of fluid flow through the second return line and increasing the magnitude of the fluid pressure in the second return line in response to a decrease in a rate of fluid flow through the second return line. Finally, claim 24 recites a hydraulic system including a pressure control means for selectively adjusting a magnitude of fluid pressure in a second fluid return line, wherein the pressure control

device is configured to receive a signal representing a sensed rate of fluid flow through the second return line and increases the magnitude of the fluid pressure in the second fluid return line in response to a decrease in the sensed rate of fluid flow through the second return line. The subject matter recited in these claims are neither taught nor suggested by the cited references.

*Hirata et al.* discloses a hydraulic regenerator. As illustrated in FIG. 1, a hydraulic drive system includes a variable displacement hydraulic pump 1, a plurality of actuators 4 and 5, a plurality of directional control valves 2 and 3, a recovery control valve 6, and a reservoir 9. According to the disclosure of *Hirata et al.*, as pressure generating means, the recovery control valve 6 is disposed in a first line 12, a third line 14 communicating a portion of the first line 12 upstream of the recovery control valve 6 and a second line 10C for the purpose of recovery. See col. 10, lines 50-56. Also, the hydraulic recovery device has detecting means, i.e., a pressure sensor 101, for detecting a delivery pressure  $P_d$  of the pump 1. The device also has pressure instruction means for generating a pilot pressure  $P_x$  introduced to a hydraulic driving sector 6c of the recovery control valve 6 to thereby drive a spool 6b for generating a secondary pressure corresponding to a drive signal  $i$  based on a pilot primary pressure from a hydraulic source 105A, and a controller 100 for receiving the delivery pressure  $P_d$  of the hydraulic pump 1, given as a detection value of the pressure sensor 101 generating the drive signal  $i$  corresponding to the pump delivery pressure, and then outputting it to the solenoid proportional valve 105. See col. 11, lines 12-34.

In the Final Office Action, the Examiner asserted that *Hirata et al.* discloses a hydraulic system comprising first (5) and second (4) hydraulic motors, first and second

directional control valves (3, 2), first and second fluid return lines adapted to direct a return flow of fluid from the first and second hydraulic actuators, and a pressure control device (6), “where in the pressure control device increases the magnitude of the fluid pressure in the second return line in response to a decrease in the rate of fluid flow through the second return line.” However, as disclosed in *Hirata et al.*, the recovery control device 6 does not receive a signal representing a sensed rate of fluid flow through the second return line and increase a magnitude of fluid pressure in a second fluid return line in response to a decrease in the sensed rate of fluid flow through the second return line. The hydraulic system of *Hirata et al.* does not sense a rate of fluid flow through lines 12 and 14.

The recover control device 6 in *Hirata et al.* is actuated based on the delivery pressure  $P_d$  of the pump 1, but the device does not increase the magnitude of the fluid pressure in the line 12 or 14, which the Examiner appears to consider as the second return line, in response to a decrease in the rate of fluid flow through the line 12 or 14. Therefore, *Hirata et al.* fails to teach or suggest the subject matter recited in claim 1, 11, or 24. Thus, the rejection of the claims under 35 U.S.C. § 102(b) should be withdrawn.

Neither *Bridwell et al.* nor *Stephenson et al.* cures the deficiency of *Hirata et al.* mentioned above. In the Final Office Action, the Examiner relied on *Bridwell et al.* for its alleged teaching of a source of pressurized fluid including first and second pumps, a hydraulic cylinder as a first hydraulic actuator, and a plurality of hydraulic cylinders and motors. Also, the Examiner relied on *Stephenson et al.* for its alleged teaching of first and second directional control valves including first and second sets of independent metering valves. Among other elements, *Bridwell et al.* or *Stephenson et al.* fail to

teach or suggest a pressure control device that increase a magnitude of fluid pressure in a second fluid return line in response to a decrease in a rate of fluid flow through the second return line or steps of increasing a magnitude of fluid pressure in a second return line in response to a decrease in a rate of fluid flow through the second return line and increasing the magnitude of the fluid pressure in the second return line in response to a decrease in a rate of fluid flow through the second return line.

Therefore, claims 1, 11, and 24 should be allowable over the cited references. Claims 2-10, 12-14, and 16 depend from claim 1 or 11, and those claims should also be allowable at least by reason of their dependency from claim 1 or 11.

In the Final Office Action, the Examiner stated that claims 6, 8, 9, 12-14, and 16 are objected to as being dependent on a rejected base claims, but the Examiner stated that those claims should be allowance if rewritten in independent form including all of the limitations of the base claim and any intervening claims. For the aforementioned reasons, Applicant submits that the claims are allowable as presently rewritten.

Applicant respectfully requests that this Response under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-14 and 16-24 in condition for allowance. Applicant submits that the response does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against

Applicant's invention. It is respectfully submitted that the Response would place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

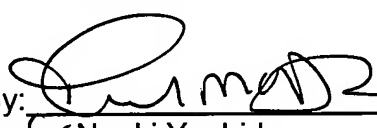
Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

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By:  *Roland McAndrews*  
for Naoki Yoshida Reg. No. 41,450  
Reg. No. 48,108